

DEPARTMENT OF NATURAL RESOURCES
PERMIT NO. 9
DATE 3-30-07
BILL NO. HB 405

List of 12 specific statutory exemptions from MEPA

*Information obtained for the Energy and Telecommunications Interim Committee memo by T dated May 11, 2006.

1. **Certain actions that involve an amendment to a hard-rock mine operating permit** (categorical exclusions, administrative actions, ministerial actions, repair and maintenance actions, investigation and enforcement actions, actions that are primarily economic or social in nature, insignificant boundary changes in the permit area, and changes in an operating plan that was previously permitted) (82-4-342, MCA).
2. **The transfer of permits for portable emission sources** (75-2-211(5), MCA).
3. **A qualified exemption for reciprocal access agreements on state land.** The Department of Natural Resources and Conservation (DNRC) is not required to analyze or consider potential impacts of activities that may occur on private or federal lands in conjunction with or as a result of granting access (77-1-617, MCA).
4. **A transfer of an ownership interest in a lease, permit, license, certificate, or other entitlement for use or permission to act by an agency, either singly or in combination with other state agencies.** This does not trigger review under MEPA if there is not a material change in terms or conditions of the entitlement or unless otherwise provided by law (75-1-201(1)(d), MCA).
5. **Issuance of a historic right of way deed** (77-1-130, MCA).
6. **Issuance of any lease or license by the DNRC and the Board of Land Commissioners that expressly states that the lease or license is subject to further permitting under any of the provisions of Title 75 or 82, MCA** (77-1-121(2), MCA).
7. **DNRC 's issuance of lease renewals** (77-1-121(3), MCA).
8. **Nonaction on the part of DNRC or the Board of Land Commissioners.** Even though they have the authority to act, this does not trigger MEPA review (77-1-121(3), MCA).
9. **DNRC or Board of Land Commissioner actions, including preparing plans or proposals, in relation to and in compliance with the following local government actions:**
 - (a) development or adoption of a growth policy or a neighborhood plan pursuant to Title 76, chapter 1, MCA;
 - (b) development or adoption of zoning regulations;
 - (c) review of a proposed subdivision pursuant to Title 76, chapter 3, MCA;
 - (d) actions related to annexation;
 - (e) development or adoption of plans or reports on extension of services; and
 - (f) other actions that are related to local planning (77-1-121(4), MCA).
10. **Certain emergency timber sale situations** (fire, fungus, insect, parasite, blowdown, etc.) or time-dependent access situations involving timber. DNRC is exempt from MEPA review to the extent that DNRC's compliance with MEPA is precluded by limited time (77-5-201, MCA).
11. **Small business licenses under the Montana Small Business Licensing Coordination Act** (30-16-103(3)(b), MCA).
12. The DEQ is prohibited from preparing an environmental review under 75-1-201, MCA, for a **transfer of mine operating permits** unless the department can show that the operation has caused or may cause significant impacts that have not been analyzed previously in an environmental review document prepared pursuant to 75-1-201 (82-4-250(4), MCA).

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